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Attorneys for Defendant

The Chubb Corporation

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA, and  
ex rel. MARY BETH PILECKI-SIMKO  
AND TOM GIUNTA,

Plaintiffs,

v.

THE CHUBB INSTITUTE, THE  
CHUBB CORPORATION, CHUBB  
AMERICA SERVICE  
CORPORATION and HIGH-TECH  
INSTITUTE, INC.

Defendants.

Civil Action No. 06-3562 (GEB)(ES)

*Document electronically filed.*

Return Date: December 21, 2009

**NOTICE OF MOTION TO  
DISMISS SECOND AMENDED  
COMPLAINT PURSUANT TO  
FED. R. CIV. P. 12(b)(6)**

***ORAL ARGUMENT REQUESTED***

**TO:** Michael S. Green, Esq.

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**COUNSEL:**

**PLEASE TAKE NOTICE** that on Monday, December 21, 2009 or on a date and time to be set by the Court, Gibbons P.C., attorneys for Defendant The Chubb Corporation, shall move for an Order dismissing the Second Amended Complaint with prejudice pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure for failure to state a claim upon which relief may be granted.

**PLEASE TAKE FURTHER NOTICE** that in support of said Motion, The Chubb Corporation shall rely on the Brief in Support of Defendant, The Chubb Corporation's Motion to Dismiss the Second Amended Complaint Pursuant to Fed. R. Civ. P. 12(b)(6), the Declaration of Michael R. McDonald submitted herewith, and all other papers on record.

**PLEASE TAKE FURTHER NOTICE** that the within Motion is being filed in accordance with the September 23, 2009 Stipulation and Order issued by the Court.

**PLEASE TAKE FURTHER NOTICE** that the within Motion is being made returnable on Monday, December 21, 2009 and that oral argument is requested.

**PLEASE TAKE FURTHER NOTICE** that a proposed form of Order is submitted herewith.

Dated: October 16, 2009

By: s/Michael R. McDonald  
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